

2821 Dumfries Road, Los Angeles, CA, 90064-4412
Tel 310-835-3571 Fax 310-838-8594
Email: brian.oci@sbcglobal.net

February 9, 2006

Ms. Fran Mainella
Director, NPS
Attn. Dianne Spriggs
1201 I Street NW,
NPS, Suite 5
Washington, D.C. 20240

Sent Via Fax
202-371-1449

Re: Disabled Access, Restrooms, North Pines Campground,
Yosemite National Park

Dear Director Mainella:

The purpose of this letter is to make a formal complaint with regards to the existing substandard disabled access conditions of all four (4ea) restrooms in North Pines Campground in Yosemite Valley, Yosemite National Park. While these conditions may also exist in other Park campground restrooms, this is only to address those in North Pines.

This claim comes after multiple oral and written discussions with YNPS personnel including Superintendent Michael Tollefson, Deputy Superintendent R. Kevin Cann, YNPS Spokesperson Scott Gediman, Project Director Bill Delaney, Compliance Program Manager Mark Butler, Project Planner Jen Nersesian, Planning Manager Kristina Rylands, Planning Director Linda Dahl, Supervising Project Director Larry Harris, The Office of U.S. Rep. George Radanovich, 19th District California, and The Office of U.S. Senator Dianne Feinstein over the past 18 months.

Two lengthy onsite discussions occurred in 2005. July 6th and August 10th. The first meeting was with Mr. Harris and Mr. Delaney. The second meeting was only with Mr. Harris. At the first, we discussed and toured each restroom to corroborate the deficiencies first hand. At the conclusion of the inspection, we reached a consensus that numerous deficiencies and substandard conditions existed, without argument. I was assured by Mr. Harris that he was the head of the "A" team which stood

for "Action" and that the deficiencies would be corrected over a short time and that he did not foresee obstacles.

The following are a few of the deficiencies what were observed:

1. Substandard or non existent approach ramps/pathways
2. Inaccessible entry to restrooms [entry stoops too small]
3. Entry fencing too close to entry door
4. Inaccessible potable water and drinking fountains
5. Non existent potable water and drinking fountains at some
6. Inaccessible waste water disposal
7. Unwrapped "P trap" under lavatories
8. Substandard faucets
9. Substandard lavatories and heights
10. Substandard urinals heights
11. Substandard water closet stalls, including grab bars and toilet paper dispensers
12. Substandard or non existent toiletry shelves and hooks
13. Substandard mirrors and shelves
14. Substandard lighting
15. Unsanitary floor conditions, including open unfilled holes

It is my understanding that in the early 1980's the federal government set federal standards that eventually became the States responsibility under ADA, and that the federal government continues to maintain its own standards [see 1973 Rehabilitation Act, Section 504, UFAS (Uniform Federal Access Standards), including the Architectural Barriers Act, and ANSI A117.1 (American National Standards Institute)].

At the second meeting, one month later, we discussed the lack of any physical progress. On or about January 3, 2006, I spoke with Mr. Harris by telephone about the status of the project. In that discussion, he indicated that only one of the restrooms and possibly the "steps" of another would be all that he could accomplish due to Park priorities and budget. Based upon this reduction of scope, this claim is prepared and requests that you implement and expedite whatever is necessary to fully equip Mr. Harris with the authorities and budget that is needed to correct the deficiencies in all four restrooms.

It is recognized that Mr. Harris understands the full scope of work and he knows how to implement full compliance. To date, his intentions appear to be sincere and trustworthy, but he is bound by procedure and budget restrictions. I am sure you would agree that discretionary compliance is

not an option. To the credit of Mr. Harris, if you provide him with both authority and budget, he appears to be the right person for the task at hand.

It must be noted that the obvious deficiencies expose the NPS and my tax funds to severe litigation and associated expense, which would result in the same remedy at much less cost if done voluntarily.

I have, in my discussions with the above officials, stressed the need to assess this exposure via your office of Risk Management. No response of that discussion has surfaced nor has anyone outside of Mr. Harris contacted me. As I am sure you are aware, there are an abundance of lawyers on the prowl for substandard accessible facilities who have gained huge rewards via litigation. To be good stewards of my tax funds, voluntary compliance by my government is warranted without question.

Additionally, the entrance gate fees to the Park were increased from 5 dollars to 20 dollars and the increase was to go to improvements inside the park. Fifteen dollars X 3.5 million visitors x 10 years (+/-) = \$525 million dollars. I assume that funds are available.

There has been significant media attention with regard to the completion of the Yosemite Falls redevelopment project and the accommodations / installations for the disabled visitor. With this promotion comes the perception to the public that the Park meets disability access standards. This writer believes that perception is misleading to the disabled visitors and their care givers. Such misunderstanding can cause complications in a variety of personal needs, reduced visitor enjoyment, and possible personal injury once present in the Park.

I look forward to a positive resolution to the concerns outlined above.

Sincerely,

Brian H. Ouzounian

Cc: Shelly Abajian, Deputy Director, Office of U.S. Senator Dianne Feinstein

Christopher Valadez, Representative, Office of U.S. Congressman George Radanovich, 19th District